

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**W.E. TRAILS, LLC,**

**Plaintiff,**

**VS.**

**NO. \_\_\_\_\_**

**PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,**

**JURY DEMAND**

**Defendant.**

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**NOTICE OF REMOVAL**

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Defendant, PHILADELPHIA INDEMNITY INSURANCE COMPANY, hereby notifies the Judges of the United States District Court for the Middle District of Tennessee, the clerk of the Chancery Court of Davidson County, Tennessee and Plaintiff, W.E. Trails, LLC, that the action described herein and filed in the Chancery Court of Davidson County, Tennessee, is removed to the United States District Court for the Middle District of Tennessee, pursuant to 28 U.S.C. § 1441.

1. On March 22, 2016, Plaintiff filed a civil action bearing Docket No. 16-286-I against the Defendant in the Chancery Court of Davidson County, Tennessee. Service of the complaint and summons was made upon CT Corporation, the designated statutory agent of the Defendant, on April 6, 2016, by certified mail through the Department of Insurance of the State of Tennessee.

2. This action is filed by Plaintiff for proceeds allegedly due under a contract of insurance written by Defendant Philadelphia Indemnity Insurance Company, and insuring Plaintiff's real property located at 101 to 348 Trails Circle, Nashville, Davidson

County, Tennessee which was damaged by fire occurring on or about July 20, 2015.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332.

4. Plaintiff, W.E. Trails, LLC, is a limited liability company formed under the laws of the State of Tennessee and was such at the time of the filing of this action and at the time of removal. Defendant, Philadelphia Indemnity Insurance Company, is a corporation incorporated in Pennsylvania, with its principal place of business in Bala Cynwyd, Pennsylvania. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs as Plaintiff has made demand in its Complaint for compensatory damages not to exceed \$750,000.00.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number 16-286-I is removed from the Chancery Court of Davidson County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

**s/ Bradford D. Box**

Bradford D. Box (BPR No. 016596)

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to J. Brandon McWherter, 341 Cool Springs Blvd., #230, Franklin, TN 37067, counselor of record for Plaintiff, or by electronic means via the Court's electronic filing system.

This the 21<sup>st</sup> day of April, 2016.

**s/ Bradford D. Box**